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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)
vs.)
Plaintiff,)
CARLOS RAINY, et al)
Defendant.)

Case No. 3:05-cr-108-JWS

MEMORANDUM IN SUPPORT OF MOTION
FOR DISCOVERY CERTIFICATION

Counsel for Defendant Shannon Rainey has received discovery in this case which has been voluminous. This discovery has been received in a piecemeal fashion as demonstrated by the various notices of discovery and the continued receipt thereof by this defendant and others.

The pretrial motions deadline has previously been established as March 15, 2006. Carlos Rainey, through counsel, has already moved to continue that deadline. Until and unless the defendant's know that discovery is complete, the motions deadline is a chimera. Therefore, this motion that the Government be required to certify that it has provided all of the discovery to which the defendants are entitled pursuant to Rule 16, Federal Rules of Criminal Procedure, should be granted and a pretrial motions deadline set thereafter so that the court may have some assurance that the defendants have had an opportunity to review the discovery before the deadline.

In December the Government provided 17 compact discs, a videotape and a few hundred pages of documents. In March, a few more documents and 2 more compact discs as well

as 25 additional DVD's copied by IMIG audio video. The Government has recently provided an exhibit index, evidence log and call logs as well as a 25 page index of the wire-tap intercepts.

If this is all of the evidence in this case, it may be possible for counsel, appointed and otherwise, to review the evidence and prepare appropriate motions, but not by March 15, 2006.

Therefore, if the Government were to certify that all discovery to which the defense is entitled under Criminal Rule 16 has been provided it may be possible to ascertain and set an appropriate deadline for pretrial motions.

DATED this 14th day of March, 2006.

s/D. Scott Dattan
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